

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

|                              |   |                    |
|------------------------------|---|--------------------|
| CITY OF COLUMBIA, ILLINOIS,  | ) |                    |
|                              | ) |                    |
| vs.                          | ) |                    |
|                              | ) |                    |
| ILLINOIS-AMERICAN WATER      | ) | Docket No. 00-0679 |
| COMPANY,                     | ) |                    |
|                              | ) |                    |
| COMPLAINT AS TO PROVIDING    | ) |                    |
| SERVICE OUTSIDE OF UTILITY'S | ) |                    |
| CERTIFICATED SERVICE AREA    | ) |                    |
| IN MONROE COUNTY, ILLINOIS.  | ) |                    |

**WRITTEN TESTIMONY OF KENNETH L. VAUGHN**  
**WITNESS FOR COMPLAINANT, CITY OF COLUMBIA, ILLINOIS**

- Q. Please state your name and business address.
- A. Kenneth L. Vaughn, Department of Public Works, 110 West Sand Bank Road, Columbia, Illinois 62236.
- Q. What position do you hold with the City of Columbia, Illinois City government?
- A. Engineering Consultant and Director of Public Works.
- Q. How long have you been employed by the City in that capacity?
- A. Since April 1, 1994.
- Q. Where were you employed before that?
- A. For the City of Belleville, in St. Clair County, Illinois as a full-time City Engineer and Director of Public Works.
- Q. How long did you work for the City of Belleville, Illinois?
- A. Six and one-half (6 1/2) years, from 1987 until 1993.
- Q. Please state your employment history prior to your employment with the City of Belleville, preferably in chronological order, stating the dates of employment.
- A. From 1985 until 1987, I was employed by HHH Concrete Paving and Design/Construction Companies of East St. Louis, Illinois as a Project Engineer.

From 1982 until 1985, I worked for Mississippi Valley Materials, Inc. of Cahokia, Illinois as a Project Manager.

From 1978 until 1982, I worked for HH Hall Construction Company of East St. Louis, Illinois as a Project Superintendent.

Q. Are you a graduate of any accredited college or university.

A. Yes. I attended the U.S. Air Force Academy in Colorado Springs, Colorado from 1973 until 1975. Then I transferred to University of Missouri - Rolla at Rolla, Missouri where I graduated with a Bachelor of Science degree with an engineering management major and civil engineering minor in 1978. I am a Registered Engineer Intern (EI).

Q. Directing your attention to 1997 or 1998, were you a witness for the City of Columbia, Illinois in Interstate Commerce Commission (ICC) Docket No. 96-0353 pertaining to an application by Illinois-American Water Company (IAWC) to extend its certificated service area for public water service to include territory along State of Illinois Highway Route 158 and State of Illinois Highway Route 3 in Monroe County, Illinois?

A. Yes, I was.

Q. Are you familiar with the land area that lies north of Illinois Highway Route 158, west of the Quarry Road and east of Centerville Road in Monroe County, Illinois?

A. Yes, I am well acquainted with that service area and IAWC has a water meter vault and water meter installed in that area that provides water service to Columbia.

Q. Is it your understanding that in the above-mentioned ICC Docket No. 96-0353 case IAWC received a Certificate of Public Convenience and Necessity to provide public water service at the location that did not extend north of the north right-of-way line of Illinois Highway Route 158 (that is, between Quarry Road running westerly to Centerville Avenue)?

A. Yes, that is my understanding.

Q. Is the City of Columbia, Illinois a municipal water service purveyor?

A. Yes. On or about July 10, 1996, the City of Columbia, Illinois (the "City" or "Columbia") and the Village of Commonfields Public Water District ("Commonfields") formed the Metro-East Municipal Joint Action Water Agency ("MEMJAWA") which joint action water agency made and entered into a Potable Water Sale for Resale Agreement with IAWC in or around 1998, whereby MEMJAWA purchases water from IAWC which its members (Columbia and Commonfields) then resell to their water customers. Columbia is the sole source of public water service within the

corporate limits of the City and also serves retail customers located outside the corporate limits of the City.

- Q. Does Columbia have a water transmission main and facilities available to provide potable water service to the customers located on the north side of Illinois Highway Route 158 between Centerville Avenue and Quarry Road?
- A. Yes. IAWC has a twelve (12) inch diameter waterline located along the south side of Illinois Highway 158 running from the Quarry Road to Centerville Avenue. That line connects to IAWC's sixteen (16) inch diameter line that runs from Millstadt, Illinois along Illinois Highway 158 to a point where the line turns south to a 1,000,000 gallon water storage tank in Prairie View Estates Subdivision in Monroe County, Illinois and it then runs west to State of Illinois Highway Route 3 and along Illinois Route 3 to the City of Waterloo. That line is the primary public water source for the City of Waterloo, Illinois. The line has a 3,000,000 gallon per day (3.00 MGD) capacity.

Pursuant to a water Sale For Resale Agreement made and entered into between MEMJAWA and IAWC, IAWC has agreed to provide Columbia with up to 120,000 gallons per day (.012 MGD) off-peak from the Millstadt-Waterloo line until January 1, 2003. Thereafter, IAWC has agreed to supply Columbia up to 1,000,000 gallons per day (1.00 MGD) off the Millstadt-Waterloo line for resale to Columbia's customers. The water will be billed to MEMJAWA but will be taken and used by Columbia for resale to its customers.

In 1999, IAWC made a twelve (12) inch diameter transmission main extension along the south side of Illinois Highway Route 158 to at or about Centerville Avenue. IAWC paid for an eight (8) inch diameter line extension and Columbia paid for the additional four (4) inch oversizing. At that location IAWC bored under Highway Route 158 to a water meter vault on the Barbara Fulford property at the intersection of Centerville Avenue and Illinois Highway 158 (which is Columbia's take-point for that water service). That meter vault and water meter is a service line that is located proximate to and available to provide potable water service for the residents who reside on the north side of Highway 158 between Centerville Avenue and Quarry Road.

From the meter vault at the intersection of Centerville Avenue and Illinois Highway 158, Columbia has constructed and installed a twelve (12) inch diameter waterline that runs in a northerly direction along Centerville Avenue for a short distance and then in a generally easterly direction to a 500,000 gallon water storage tank which the City completed construction of and which has been in service since on or about the 17<sup>th</sup> day of April, 2000. From the storage tank there is a twelve (12) inch diameter water main that feeds into the City and is inter-connected to the City's Cherry Street water storage tank located on Cherry Street (near the Bluff Road and Tower Hill Drive) in the City of Columbia.

- Q. Does the City of Columbia have any plans to provide potable water service to the residents who reside on the north side of the Illinois Highway Route 158 between Quarry Road and Centerville Avenue?
- A. Yes. The City has employed Curry and Associates Engineers, Inc. of Nashville, Illinois to prepare the engineering design plans and obtain the Illinois Environmental Protection Agency (IEPA) permit required in order to install approximately 1,550 feet of twelve (12) inch diameter water main and 2,720 feet of six (6) inch diameter water main to provide potable water service to customers in that area. The twelve (12) inch water main will run from the water tank first in a northerly then in an easterly direction to the southwesterly side of the Quarry Road. At that location, the City will bore under the Quarry Road to the northeast side of the Quarry Road and then run along the easterly side of the Quarry Road with a six (6) inch diameter line to the intersection of the Quarry Road and Highway 158. At that location, the City will bore under the Quarry Road again and run a six (6) inch diameter line in a generally westerly direction along the north side of Highway 158 to provide the water service to the subject three (3) homes located between Centerville Avenue and Quarry Road on Highway 158.
- Q. Has Curry and Associates Engineers, Inc. completed the design engineering plans for the water main extension to provide the subject water service that you just described?
- A. Yes.
- Q. Does the City have an IEPA permit to construct and install the potable waterline extensions?
- A. Yes. The permit was issued November 1, 2000. A copy is attached as "Kenneth Vaughn Exhibit 1".
- Q. Do you know the estimated cost of the project?
- A. The design engineers, Curry and Associates Engineers, Inc., estimated the total cost of the project, (including the design engineering and construction costs with the City using outside contractors), to be \$122,000. If the City utilizes its City Maintenance Department personnel to do the installations, the costs would be approximately 60% of that amount. It is currently contemplated that the City Maintenance Department personnel will be used to make the installations, except for the bores under the Quarry Road for which an outside contractor will have to be employed.
- Q. Do you know if the City has the funds available at this time to construct the project?
- A. It is my understanding that the City does have the funds set aside for the project.

Q. Do you know if IAWC is providing public water service to any of the customers who reside on the north side of Illinois Highway Route 158 between Centerville Avenue and Quarry Road?

A. It is my understanding IAWC bored under the Illinois Highway Route 158 pavement and is providing water service to the John Dawson family residence located at 625 Highway 158 at the subject location.

Q. Allow me to show you what has been marked as "Kenneth Vaughn Exhibit 2", which is a narrative legal description of the water service area IAWC was certificated to serve in ICC Docket No. 96-0353. Directing your attention to the first three lines of that legal description, which read: "Beginning at the intersection of the north right-of-way line of Illinois Route 158 and the County line between Monroe County and St. Clair County; thence westerly along the north right-of-way line of Illinois Route 158 to the center line of Centerville Road". Do you have an opinion within a reasonable degree of engineering certainty whether the John Dawson residence to which IAWC is providing water service, at 625 Highway 158, is located north of or south of the north right-of-way line of Highway 158 at the subject location?

A. Yes. It is located north of the north right-of-way line of Highway 158 at the subject location and it is not within the area IAWC is certificated to serve in ICC Docket No. 96-0353.

Q. Do you have an opinion within a reasonable degree of engineering certainty when the City of Columbia will be able to commence providing public water service to the customers who reside on the north side of Highway 158 between Centerville Avenue and Quarry Road?

A. The City will need to acquire about six (6) easements from owners of property located along the east side of the Quarry Road and the easements across the frontages the three (3) properties on Highway 158 between Centerville Avenue and Quarry Road. The City already has the permit from Sugar Loaf Township to bore under the Quarry Road at the locations previously discussed. Assuming good weather and cooperation from the property owners in the acquiring of the necessary easements, the installations could be completed and in service within six (6) months.

Q. Does this conclude your Direct Testimony?

A. Yes, it does.

FROM: COLUMBIA PUBLIC WORKS FAX NO: 6182613255 REV: 21 2000 DIVISION 12

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1021 N. Grand Avenue East, P.O. Box 19276  
Springfield, IL 62794-9276

Division of Public Water Supplies

Telephone 217/782-9470

**PUBLIC WATER SUPPLY CONSTRUCTION PERMIT**

**SUBJECT: COLUMBIA (Monroe County - 1330050)**

Permit Issued to:  
Mayor and Council  
208 South Rapp Avenue  
Columbia, Illinois 62236-0467

**PERMIT NUMBER: 0807-FY2001**  
Proposed Improvement

**DATE ISSUED: November 1, 2000**  
**PROJECT LOG NUMBER: 2001-0807**

The issuance of this permit is based on plans and specifications prepared by the engineers/architects indicated, and are identified as follows:

**FIRM: Curry & Assoc.**  
**NUMBER OF PLAN SHEETS: 6**  
**TITLE OF PLANS: "Water Main Extensions at Illinois Rt. 158"**

**PROPOSED IMPROVEMENTS:**

**\*\*\*Approximately 1,550 feet of 12-inch and 2,720 feet of 6-inch water main\*\*\***

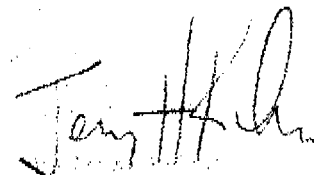
**ADDITIONAL CONDITIONS:**

1. Water mains shall be separated from septic tanks, disposal fields and seepage beds by a minimum of 25 feet.
2. There are no further conditions to this permit.

**RDS:GAZ:tml**

**CC: Curry & Assoc.**  
**Collinsville Regional Office**

This permit is issued for the construction and/or installation of the public water supply improvements described above, in accordance with the provisions of the "Environmental Protection Act," Title IV, Sections 14 through 17, and Title X, Sections 39 and 40, and is subject to the conditions printed on the reverse side of this page and the ADDITIONAL CONDITIONS printed above.



**Jerry H. Kuhn, P.E.**  
**Manager, Permit Section**  
**Division of Public Water Supplies**

## LEGAL DESCRIPTION

Beginning at the intersection of the north right-of-way line of Illinois Route 158 and the county line between Monroe County and St. Clair County; thence westerly along the north right-of-way line of Illinois Route 158 to the centerline of Centreville Road; thence westerly along said centerline to the Columbia City boundary (as of January 1, 1996); thence southerly and westerly along said Columbia City boundary to the west right-of-way line of the former Illinois Central Gulf Railroad; thence southerly along said west line to the intersection of the west right-of-way line of the former Illinois Central Gulf Railroad and the south line Section 27, Township 1 South, Range 10 West; thence easterly along the south line of Sections 27 and 26, Township 1 South, Range 10 West; to a point located one-fourth mile west of and perpendicular to the west right-of-way line of Route 3; thence southerly along a line parallel to and one-fourth mile west of the west right-of-way line of Route 3 to a point located one-fourth mile west of the intersection of the west right-of-way line of Route 3 and centerline of New Hanover Road said point also being one-fourth mile west of an perpendicular to the west right-of-way line of Route 3; thence easterly along a line perpendicular to Route 3 to a point located one-fourth mile east of the intersection of the east right-of-way line of Route 3 and the centerline of New Hanover Road; said point also being one-fourth mile east of and perpendicular to the east right-of-way line of Route 3; thence northerly along a line parallel to and one-fourth mile east of the east right-of-way line of Route 3 to a point located one-fourth mile east of the intersection of the east right-of-way line of Route 3 and adjacent and contiguous to the south right of way line of EE Road; thence easterly along a line parallel to and adjacent and contiguous to the south right of way line of EE Road to the existing Illinois-American Certificated Area as described in docket 93-0104; thence northerly along existing Illinois-American Certificated Area as described in docket 93-0104, to the point of beginning. Excepting therefrom, the certificated area defined in docket 93-0104 and docket 95-0186. The above describe net area is approximately 2592 acres.